

2009 DRAFTING REQUEST

Bill

Received: **11/04/2008**

Received By: **emueller**

Wanted: **As time permits**

Identical to LRB:

For: **Fred Risser (608) 266-1627**

By/Representing: **Dianne Cieslewicz**

This file may be shown to any legislator: **NO**

Drafter: **emueller**

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **ARG**

Submit via email: **YES**

Requester's email: **Sen.Risser@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Bicycles passing cars and responsibility for doors opening

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	emueller 11/07/2008	bkraft 11/07/2008					
/P1			phenry 11/10/2008		lparisi 11/10/2008		
/1	emueller 01/14/2009	bkraft 01/14/2009	mduchek 01/15/2009		sbasford 01/15/2009	sbasford 01/15/2009	

FE Sent For:

<END>

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/?	emueller 11/07/2008	bkraft 11/07/2008					
/P1			phenry 11/10/2008		lparisi 11/10/2008		

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<END>*Jacket
please*

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/? emueller

FE Sent For:

<END>

Mueller, Eric

From: Gary, Aaron
Sent: Tuesday, November 04, 2008 1:40 PM
To: Mueller, Eric
Subject: FW: LRB 4493/P1 Bikes passing parked cars

Eric, A redraft for you. Let me know if you have any questions. Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Cieslewicz, Dianne
Sent: Tuesday, November 04, 2008 1:38 PM
To: Gary, Aaron
Subject: LRB 4493/P1 Bikes passing parked cars

Hi Aaron,

Senator Risser would like to tweak the bill draft a little. Here it goes...

Please delete 346.80(2)(c)

"Any person operating a bicycle or electric personal assistive mobility device..... assistive mobility device rider proceeding in the same direction."

New wording for wherever you think is appropriate:

"No person shall open the door of a motor vehicle on a highway without first taking due precautions to ensure that his or her act will not interfere with the movement of or endanger any other person or vehicle."

Thank you.

Dianne Cieslewicz
Office of Senator Risser
266-1627

RESEARCH APPENDIX - Draft Transfer/Copy Request Form

- Atty's please complete this form and give to Mike Barman

(Request Made By: Sum) (Date: 11 / 4 / 2008)



☐ Please transfer the drafting file for

2007 LRB 4493 to the drafting file

for 2009 LRB 0646

The final version of the 2007 draft and the final Request Sheet will copied on yellow paper, and returned to the original 2007 drafting file. A new cover sheet will be created/included listing the new location of the drafting file's "guts".

For research purposes, because the 2007 draft was incorporated into a new 2009 draft, the complete drafting file will be transferred, as a separate appendix, to the new 2009 drafting file. This request form will be inserted into the "guts" of the 2009 draft. If introduced, the appendix will be scanned/added to the electronic drafting file folder.

--OR--

☐ Please copy the drafting file for

2009 LRB _____ / _____ (include the version) and place it in the

drafting file for 2009 LRB _____

For research purposes, because the original 2009 draft was incorporated into another 2009 draft, the original drafting file will be copied on yellow paper (darkened/auto centered/reduced to 90%) and added, as a separate appendix, to the new 2009 drafting file. This request form will be inserted into the "guts" of the new 2009 draft. If introduced the appendix will be scanned/added to the electronic drafting file folder.

The original drafting file will then returned, intact, to its folder and filed. For future reference, a copy of the transfer/copy request form will also be added to the "guts" of the original draft.

Note

RMNR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION✓

SAV
X-ref

Inserts

and giving an audible
signal when passing
a bicycle or EPAMD
proceeding in the same
direction. This bill
eliminates this requirement.

In 11/7

- 1 AN ACT *to renumber* 346.94 (12); *to amend* 346.80 (2) (c) and 346.94 (12) (title);
- 2 and *to create* 346.94 (12) (b) of the statutes; **relating to:** bicycles passing
- 3 parked motor vehicles.

and opening motor vehicle doors
and opening motor vehicle doors on highways and
providing a penalty

Analysis by the Legislative Reference Bureau

Under current law, any person operating a bicycle or electric personal assistive mobility device (EPAMD) upon a roadway must exercise due care when passing a parked vehicle or a vehicle proceeding in the same direction, allowing a minimum of three feet between the bicycle or EPAMD and the vehicle.

This bill retains the requirement that a person operating a bicycle or EPAMD upon a roadway exercise due care when passing a parked vehicle or a vehicle proceeding in the same direction. This bill, however, eliminates the specific requirement that the bicycle or EPAMD allow a minimum of three feet between it and the vehicle.

Under current law, an operator of a motor vehicle may not drive upon a bicycle lane or bicycle way except to enter a driveway, to merge into a bicycle lane before turning at an intersection, or to enter or leave a parking space located adjacent to the bicycle lane or bicycle way. Persons operating a motor vehicle upon a bicycle lane or bicycle way are required to yield the right-of-way to all bicycles and EPAMDs within the bicycle lane or bicycle way.

This bill prohibits a person from opening a door on a motor vehicle located on or adjacent to a bicycle lane or bicycle way unless it is reasonably safe to do so and can be done without interfering with the movement of traffic. A person who violates this prohibition may be required to forfeit not less than \$20 nor more than \$40 for

and giving an audible
signal when passing
a bicycle or EPAMD
proceeding in the same
direction. This bill eliminates
this requirement.

Insert

the first offense and not less than \$50 nor more than \$100 for any subsequent conviction within a year.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 346.80 (2) (c) of the statutes is amended to read:

346.80 (2) (c) Any person operating a bicycle or electric personal assistive mobility device upon a roadway shall exercise due care when passing a standing or parked vehicle or a vehicle proceeding in the same direction, allowing a minimum of 3 feet between the bicycle or electric personal assistive mobility device and the vehicle, and shall give an audible signal when passing a bicycle or electric personal assistive mobility device rider proceeding in the same direction.

SECTION 2. 346.94 (12) (title) of the statutes is amended to read:

346.94 (12) (title) DRIVING MOTOR VEHICLES ON OR ADJACENT TO BICYCLE LANE OR BICYCLE WAY.

SECTION 3. 346.94 (12) of the statutes is renumbered 346.94 (12) (a).

SECTION 4. 346.94 (12) (b) of the statutes is created to read:

346.94 (12) (b) No person may open any door on a motor vehicle located upon or adjacent to a bicycle lane or bicycle way unless it is reasonably safe to do so and can be done without interfering with the movement of other traffic.

SECTION 5. Initial applicability.

(1) This act first applies to violations committed on the effective date of this subsection, but does not preclude the counting of other violations as prior violations for sentencing a person.

(END)

DN Note

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0646/ins

P1
.....
lum

1 **INSERT 1:**

④ This bill also prohibits any person from opening any door of a motor vehicle located on a highway without first taking due precaution to ensure that his or her act will not interfere with the movement of traffic or endanger any other person or vehicle. A person who violates this prohibition may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for any subsequent conviction within a year.

> For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

2 **INSERT 2:**

3 **SECTION 222.** 346.94 (20) of the statutes is created to read:

4 ✓ 346.94 (20) OPENING MOTOR VEHICLE DOOR ON HIGHWAY. No person may open any
5 door of a motor vehicle located on a highway without first taking due precaution to
6 ensure that his or her act will not interfere with the movement of traffic or endanger
7 any other person or vehicle. ✓

8 **SECTION 222.** 346.95 (1) of the statutes is amended to read:

9 ✓ 346.95 (1) Any person violating s. 346.87, 346.88, 346.89 (2), 346.90 to 346.92
10 or 346.94 (1), (9), (10), (11), (12) ~~or~~ (15), or (20) may be required to forfeit not less than
11 \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100
12 for the 2nd or subsequent conviction within a year.

History: 1971 c. 278; 1973 c. 182, 314, 336; 1975 c. 297, 320; 1977 c. 68; 1983 a. 56, 175, 538; 1989 a. 335 s. 89; 1991 a. 83; 1993 a. 260, 455; 1995 a. 194, 373, 420; 1999 a. 109; 2001 a. 90; 2003 a. 192, 297, 327; 2005 a. 250.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0646/2dn

PI

bjk

Date

✓
ATTN: Dianne Cieslewicz

✓
I have changed this draft to an 09 draft and made the changes you requested. The language for the prohibition on opening motor vehicle doors on highways has been changed somewhat from your request to, hopefully, make it a bit more clear. Let me know if you prefer your construction or something different from what I have provided. ✓

Since you did not indicate any specific penalty you would like to apply to the new prohibition, I have used the same penalty that would have applied to the prohibition in the earlier draft. Once again, let me know if you would like something different. ✓

Eric V. Mueller
Legislative Attorney
Phone: (608) 261-7032
E-mail: eric.mueller@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0646/P1dn
EVM:bjk:ph

November 10, 2008

ATTN: Dianne Cieslewicz

I have changed this draft to an 09 draft and made the changes you requested. The language for the prohibition on opening motor vehicle doors on highways has been changed somewhat from your request to, hopefully, make it a bit more clear. Let me know if you prefer your construction or something different from what I have provided.

Since you did not indicate any specific penalty you would like to apply to the new prohibition, I have used the same penalty that would have applied to the prohibition in the earlier draft. Once again, let me know if you would like something different.

Eric V. Mueller
Legislative Attorney
Phone: (608) 261-7032
E-mail: eric.mueller@legis.wisconsin.gov

Mueller, Eric

From: Cieslewicz, Dianne
Sent: Wednesday, January 14, 2009 2:08 PM
To: Mueller, Eric
Subject: RE: LRB 0646/P1

Hi Eric,

It looks good and Senator Risser would like to jacket it.

Thanks, Dianne

From: Mueller, Eric
Sent: Tuesday, January 13, 2009 12:53 PM
To: Cieslewicz, Dianne
Subject: RE: LRB 0646/P1

Dianne,

No problem.

<< File: 09-0646_P1.pdf >>

Eric

From: Cieslewicz, Dianne
Sent: Tuesday, January 13, 2009 11:50 AM
To: Mueller, Eric
Subject: LRB 0646/P1

Hi Eric,

Could you please send me an electronic copy of the above draft. It's regarding bicycles and car dooring.

Thank you.

Dianne
Office of Senator Fred Risser



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0646/P1

EVM:bjk:ph

stay

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

RMR

No changes

In 1/14

SAV

regen.

- 1 AN ACT *to repeal* 346.80 (2) (c); *to amend* 346.95 (1); and *to create* 346.94 (20)
- 2 of the statutes; **relating to:** passing parked motor vehicles and opening motor
- 3 vehicle doors on highways and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, any person operating a bicycle or electric personal assistive mobility device (EPAMD) upon a roadway must exercise due care when passing a parked vehicle or a vehicle proceeding in the same direction, allowing a minimum of three feet between the bicycle or EPAMD and the vehicle and giving an audible signal when passing a bicycle or EPAMD proceeding in the same direction. This bill eliminates this requirement.

This bill also prohibits any person from opening any door of a motor vehicle located on a highway without first taking due precaution to ensure that his or her act will not interfere with the movement of traffic or endanger any other person or vehicle. A person who violates this prohibition may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for any subsequent conviction within a year.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 4 SECTION 1. 346.80 (2) (c) of the statutes is repealed.

SECTION 2. 346.94 (20) of the statutes is created to read:

346.94 (20) OPENING MOTOR VEHICLE DOOR ON HIGHWAY. No person may open any door of a motor vehicle located on a highway without first taking due precaution to ensure that his or her act will not interfere with the movement of traffic or endanger any other person or vehicle.

SECTION 3. 346.95 (1) of the statutes is amended to read:

346.95 (1) Any person violating s. 346.87, 346.88, 346.89 (2), 346.90 to 346.92 or 346.94 (1), (9), (10), (11), (12) ~~or~~, (15), or (20) may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

(END)